

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE: NATIONAL FOOTBALL LEAGUE:  
PLAYERS' CONCUSSION  
INJURY LITIGATION

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No. 2:12-md-02323-AB

MDL No. 2323

Kevin Turner and Shawn Wooden,  
*on behalf of themselves and*  
*others similarly situated,*  
Plaintiffs,

CIVIL ACTION NO: 14-cv-0029

v.

National Football League and  
NFL Properties LLC,  
successor-in-interest to  
NFL Properties, Inc.,  
Defendants.

**Hon. Anita B. Brody**

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THIS DOCUMENT RELATES TO:  
ALL ACTIONS

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**STATEMENT REGARDING 28 U.S.C. § 1715**

Defendants National Football League and NFL Properties LLC (collectively, the “NFL Parties”) submit this Statement Regarding the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1715.

1. On July 3, 2014, pursuant to 28 U.S.C. § 1715(b), the NFL Parties mailed notice of the proposed Class Action Settlement Agreement (the “Settlement”) in this action to the United States Attorney General, and to the Attorney General of each State in the United States, the District of Columbia and the United States territories.<sup>1</sup>

2. In accordance with 28 U.S.C. § 1715(b), the notice and its accompanying exhibits were mailed within ten days of the filing of the proposed Settlement on June 25, 2014, and included the following:

- a. Copies of the complaints and amended complaints filed in this action;
- b. The proposed Settlement;
- c. The proposed notification to Settlement Class Members; and
- d. A list, based on the information available to the NFL Parties, of the names of Settlement Class Members organized by the state in which they reside, which the NFL Parties also believed to represent the proportionate share of each state’s Settlement Class Member claims relative to the entire settlement.

3. On July 7, 2014, this Court preliminarily approved the proposed Settlement, and on July 16, 2014, pursuant to 28 U.S.C. § 1715(b), the NFL Parties mailed supplemental notice of the Court’s order to the United States Attorney General,

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<sup>1</sup> See Exhibit 1 for an exemplar copy of the Class Action Fairness Act of 2005 Notification. See Exhibit 2 for a complete list of recipients to whom this notification was mailed.

and to the Attorney General of each State in the United States, the District of Columbia and the United States territories.<sup>2</sup>

4. Pursuant to 28 U.S.C. § 1715(b), the supplemental notice and its accompanying exhibits were served within ten days of the Court's preliminary approval of the proposed Class Action Settlement entered into by the parties, and included the following:

- a. The Court's Preliminary Approval Order and Memorandum;
- b. Final, completed versions of the Long-Form Notice and Summary Notice; and
- c. The date, time and location of the Court's scheduled Fairness Hearing.

5. Because the Court has not yet entered a final judgment in this case, none has been provided as part of the NFL Parties' notice or supplemental notice letters. *See* 28 U.S.C. § 1715(b)(8).

6. Defendants have, therefore, complied with CAFA's notice obligations under 28 U.S.C. § 1715(b).

7. Furthermore, as required by 28 U.S.C. § 1715(d), the parties and the Court have complied with the ninety-day waiting period, which ended in October 2014. *See id.* ("An order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under [§ 1715(b)].").

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<sup>2</sup> *See* Exhibit 3 for an exemplar copy of the Class Action Fairness Act of 2005 Supplemental Notification. *See* Exhibit 2 for a complete list of recipients to whom this supplemental notification was mailed.

Dated: April 7, 2014

Respectfully submitted,

/s/ Brad S. Karp

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**Attorneys for National Football League  
and NFL Properties LLC**

**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing document was served electronically via the Court's electronic filing system on the 7th day of April, 2015, upon all counsel of record.

Dated: April 7, 2015

/s/ Brad S. Karp  
Brad S. Karp